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Written statement* submitted by the United Nations Watch, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[24 August 2018]

* Issued as received, in the language(s) of submission only.

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Jailing Eduardo Cardet: Does Cuba Upholds Its Duties as a Council Member?

The criteria for membership in the UN Human Rights Council is set out in General Assembly resolution 60/251, which requires members to "uphold the highest standards in the promotion and protection of human rights" and to "fully cooperate with the Council." Sadly, however, more than 50% of the current members of the Human Rights Council fail to meet basic democracy standards. One such example is Cuba, which is rated "Not Free" by Freedom House, and "Very bad" by Reporters Without Borders, which describes Cuba as "Latin America's worst media freedom violator year after year."[1]

Cuba routinely violates the human rights of its citizens in numerous ways, including through the use of arbitrary detention as a tool to silence government critics and human rights activists.[2] United Nations Watch is gravely concerned about the situation of Dr. Eduardo Cardet Concepción, who has been arbitrarily detained by Cuba since November 30, 2016. A petition by United Nations Watch to the UNHRC's Working Group on Arbitrary Detention, asking for a legal opinion that Dr. Cardet is being arbitrarily detained, is currently pending.

Dr. Cardet is a democracy activist in Cuba and head of The Christian Liberation Movement (MCL), a Cuban NGO that advocates for peaceful democratic change in Cuba. The Cuban authority does not recognize MCL as a legal organization and subjects its activists to harassment, intimidation, and abuse. On a trip overseas shortly after the death of Fidel Castro, Dr. Cardet spoke critically about Fidel Castro to international media. Before Dr. Cardet returned to Cuba, Cuban security forces threatened Dr. Cardet's wife that they would imprison him because of his political activism.

The day after Dr. Cardet returned, at least four plainclothes security officers violently arrested him in front of his wife, children and neighbors, severely beating him.[3] Cuban authorities told the family that Dr. Cardet had been arrested because "he is counter-revolutionary." These admissions establish that the detention is arbitrary under Category II of the Working Group's methods,[4] as it is related to Dr. Cardet's exercise of his rights to freedom of expression and freedom of association under Articles 19 and 20 of the Universal Declaration of Human Rights. However, to justify the arrest, Cuba prosecuted Dr. Cardet on trumped-up charges of attacking a state official during the course of his arrest under Article 142 of the Cuban Penal Code.

The detention of Dr. Cardet is also arbitrary under Category III of the Working Group's methods because Dr. Cardet has been denied the right to humane treatment and to a fair and impartial trial. Since his arrest, Dr. Cardet has suffered cruel, inhuman and degrading treatment at the hands of the Cuban authorities and their agents, including *inter alia*: beatings; verbal harassment; incommunicado detention; being placed in a punishment cell; deprivation of visits from, and communications with, his family; denial of medical attention; refusal of visits from a priest; and denial of bail.

On December 19, 2017, Dr. Cardet was transferred to the maximum security Cuba Sí prison. The day of the transfer, three prisoners at the Cuba Sí prison physically attacked him.[5] Dr. Cardet's wife was not permitted to visit him until almost one month later, on January 15, 2018, when she observed two circular scars on his abdomen. During the visit, Dr. Cardet informed her that he had not received medical attention since the attack and was suffering from headaches and dizziness.[6]

In a ruling issued on February 24, 2018, the IACHR found that Dr. Cardet faces risk of irreparable harm to his life and personal integrity due to Cuba's failure to protect him in prison and provide him with necessary medical care.[7] Since being transferred to Cuba Sí, the Dr. Cardet's health has deteriorated. He has suffered a number of intense asthma attacks and other health problems, including the flu. On May 18, 2018, he underwent a biopsy, but has not yet been

1 https://rsf.org/en/cuba.
2 U.S. Dep't of State, Bureau of Democracy, H.R. and Lab., Country Reports on Human Rights Practices Cuba 5 (2017).
3 *URGENT ACTION: Demand Release of Human Rights Defender*, AMNESTY INTERNATIONAL (Jan. 31, 2017), https://www.amnesty.org/download/Documents/AMR2556012017ENGLISH.pdf.
4 *See* Working with the United Nations Humans Rights Programme, a Handbook for Civil Society, 108 (2008), http://www.ohchr.org/EN/AboutUs/CivilSociety/Documents/Handbook_en.pdf.
5 *See id.*
6 *See id.*
7 Eduardo Cardet Concepcion regarding Cuba, Provisional Measures, Order of the Court, ¶¶ 3, 14 (Inter-Am. Ct. H.R. Feb. 24, 2018), http://www.oas.org/es/cidh/decisiones/pdf/2018/16-18MC39-18-CU.pdf.